

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F042081 People v. Monroe

Cause called and argued by Stephen Greenberg, Esq., counsel for appellant and by Paul E. O'Connor, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Monday, August 16, 2004 at 1:45 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Rosemary Heredia, Assistant Deputy Clerk.

F042341 Jercich et al. v. Sunset Mortgage et al.

Cause called and argued by Anthony Boskovich, Esq., counsel for appellants and by Michael L. Renberg, Esq., counsel for respondents Sunset Mortgage et al., and by C. Michael Carrigan, Esq., counsel for respondents Anthony Detweiler et al. Steven R. Williams, Esq., counsel for respondent Edgar Hudson waived oral argument.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Harris, Acting P.J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Gomes, J.

F040953 Gantong-Ruiz v. California Department of Corrections et al.
F042643 Gantong-Ruiz v. California Department of Corrections et al.

Cause called and argued by Gregory Wedner, Esq., counsel for appellants and by Paul N. Halvonik, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, August 18, 2004 at 10:00 A.M.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F042668 People v. Velez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F042668 People v. Velez

The judgment is modified by vacating the 10-year enhancement imposed under section 186.22(b)(1)(C) and imposing in its place the enhancement required by section 186.22(b)(5) mandating Velez not be paroled until he serves a minimum of 15 calendar years. As modified, the judgment is affirmed and the case is remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045064 Juanita Moore v. Superior Court of Stanislaus County; Wal-Mart Stores, Inc.

Let a peremptory writ of mandate issue directing the Stanislaus County Superior Court to vacate its order of February 27, 2004, in action No. 274971, and set the matter for retrial in accordance with the views stated herein and by this court in case No. F040016, which includes proper instruction of the jury on a question of fact not presented to the jury in the original trial due to instructional error.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043288 People v. Guzman

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F043288 People v. Guzman

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F045800 Enrique R. v. The Superior Court of Tulare County; Tulare County Health
and Human Services Agency**

Pursuant to the terms of this court's order of August 4, 2004, and
the failure of any party to request oral argument, the oral argument
date of August 26, 2004, is vacated.

This matter is deemed submitted on the date of this order.